IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT PETITION NO.82 OF 2001

IN

SUIT NO.2748 OF 1998

...

Centurion Bank Ltd. ...Petitioner

v/s.

Patheja Electricals &

ors. ...Respondents

...

Mr.Sandip Bhimekar i/b Wadia Gandhy & Co. for the Petitioner.

None for the Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 10TH JANUARY,2007

P.C.:

1. This contempt petition has been filed because according to the Petitioner the Respondent has

disobeyed the consent decree passed by the court.

2. Admittedly, decree passed in favour of the Petitioner is an executable decree and though according to the Petitioner the Respondent has disobeyed the decree in the year 2001, till date execution proceedings for executing the decree have not been started. There is no explanation to be found as to why proceedings for executing the decree have not been taken. Only because the decree is executable, the court cannot decline to entertain the contempt petition. But when there is a decree in favour of the decree holder, he without any reason does not initiate execution, but merely files the contempt petition, in my opinion, it will not be in the interest of the system to entertain such contempt petition at the instance of the litigant who himself is not serious about execution of the decree which is in his favour.

3. Contempt petition is, therefore, disposed of.

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